

THE CHINA MAIL.
PUBLISHED WEEKLY.
HONGKONG, THURSDAY, 20 DECEMBER, 1866.

BIRTHS.

On Saturday evening, 15th December, 1866, the wife of Mr. B. Duxbury, Esq., Editor of the *China Mail*, of a Son, which survived only a few minutes.
At Hongkong, on the 17th December, the Wife of A. G. Hogg, Esq., of a Daughter, Mrs. H. Cairns, of a Daughter.

MARRIAGE.

On Monday, 16th December, 1866, at St. John's General Hospital, Hongkong, by the Rev. Mr. Edward, the Vicar of the Conular Service, Anna, Eliza, and Sophie Suttee, young daughter of the late Rev. J. Smith, Dean of Long Buckby, Northamptonshire, and Prebendary of Lichfield. No Cards.

SUMMARY OF NEWS.

We have no further news from the North to record since our last issue. Locally the week has been a quiet one, nothing of a startling nature having occurred to break the monotony of Colonial life. The Harbour and Coasts Ordinance and the Registration Ordinance are to become law on the 1st proximo.

A proclamation has been issued by the Governor to the effect that the capital of the Hongkong and Shanghai Bank, subscribed for by deed, is five million dollars, and that more than one-half of such capital has been paid up.

The Rev. C. F. Warren is appointed to officiate as Acting Colonial Chaplain, vice the Rev. J. Wilson, from the 5th instant until further notice.

It is notified that the Holidays customary at Christmas and New Year shall be kept from the afternoon of Saturday, the 22nd, to the morning of Wednesday the 26th Instant, and from the afternoon of Saturday, the 29th Instant, to the morning of Wednesday, the 2nd January, 1867.

A Resolution has been passed at a Meeting of the Executive Council on the 12th Instant, till further notice the Seigniorage charge for Minting at the Hongkong Royal Mint be reduced from 2 to 1 per cent.

We observe that the HONGKONG HOTEL COMPANY have at length commenced operations in good earnest, and the house formerly occupied by Messrs Dent & Co. will shortly be completed for the reception of guests. As a general boon to the Colony the public will be glad to learn of the vitality of the Company, and further that its prospects are highly encouraging to those interested in it. It is expected that accommodation for about thirty people will be available in about a month or six weeks, and the many single men now seeking for an establishment combining the advantages of an hotel and private boarding house will then have an opportunity of forming an opinion of the organization of the new hotel.

It will occasion some surprise and much regret among the public of China to learn that the connection with Hongkong of the Rev. Dr. Legge, the well known Sinologue, and whose name has become a household word in the Colony, will shortly terminate. A short time ago a circular was issued stating that the Rev. gentleman was desirous of being relieved of the charge of the Union Church, owing to his pressure of other duties, and in view of his departure for Europe at no distant day. Under these circumstances it became necessary to make provision for a successor, and a meeting of the Congregation was held, at which certain arrangements were entered into, and the Committee of Management felt authorized to communicate definitely and satisfactorily with the London Missionary Society. It appears that the Society have anticipated the action of the Committee. On Sunday morning Dr. Legge intimated from the pulpit that, before the resolution of the Congregation could have reached home, the Society had despatched the Rev. D. B. Morris, who might be expected in the course of a month, to take entire charge of the Church. Dr. Legge remarked that it would afford him infinite pleasure if in a few weeks he ended his long direct pastoral connection with the Church in the knowledge that satisfactory financial arrangements for his successor were complete. There was still a deficiency in the amount to guarantee. A few gentlemen had offered to accept the responsibility, but he felt that the privilege of supporting their Minister should be shared by the congregation, and he hoped it would be recognized.

A letter has been received from an officer of the Prussian corvette *Vineta*, dated Valparaiso, August 10, stating that they had received orders and were preparing to sail for Shanghai, only touching at Honolulu. They will speedily be reinforced by some smaller vessels and gunboats, it being the determination of the Prussian Government to assist the other naval Powers of Europe in putting down piracy in the China seas effectively. The case of the French barque *Hongkong* has been the theme of comment in the French papers. It will be remembered that after the mutiny of the coolies the vessel was picked up at sea by the steamer *Feiseen*, and claimed as a deserter. The Admiralty Court of Hongkong however did not take this view of the case, and simply awarded

proportionate sum as salvage. The French papers praise the high sense of justice evidenced by this decision, as it would be a hard case if a vessel, found under such exceptional circumstances as these, were to be considered as abandoned.

As every incident connected with the late great race of clipper-ships is read with interest, we have pleasure in recording the fact that both the *Taeping* and the *Serica*, (the first and third vessels), were fitted with Cunningham's reefing top-sails; and also that the owner of the *Erl King* has become so strongly convinced of the value of the invention as an auxiliary to expeditious voyages that he has ordered the ship, which was before a double-top-sail ship, to be immediately fitted with Mr. Cunningham's patent.

We extract from our contemporary the Press the following account of a brush with the pirates:—

On the 12th instant, the boats' crews of H.M.S. *Salamis* (Commander Suttee) and H.M.G.B. *Janus*, (Lieut. Commr Johnson), had a brush with pirates at a place named *Tai Nia* on the W. Coast of the Island of Tongue. Acting on the information received from the Mandarin of Quang-Hai, Commander Suttee landed with the above force numbering about 45 men and officers, for the purpose of reconnoitring this locality, which appears to consist of a large mangrove swamp, lying behind a barrier of sand, and skirted by high and thickly wooded hills. In one of the creeks, by which this swamp is intersected, were three junks, and five snake boats, on approaching which, the party was fired on, from several directions, whilst a straggling force of about 200 men (nearly as could be ascertained) were seen to be making off towards the hill, carrying with them, as usual, all they could conveniently bundle together at a short notice: some however remained in the brushwood on the near hill side, and continued a straggling fire with by no means a bad aim; one bullet, (amongst other "close shaves") passing within a few inches of Commr. Suttee's head. Of course these ruffians were speedily dislodged, and several of them shot, whilst scrambling up the hill. In the meantime, Lieut. Johnson, with six men, pursued the main body of retreating Pirates, and had arrived within 200 yards of them, when a party of about 40 made a stand in a small gap, where they planted a red and white flag, and commenced firing with a rapidity and precision which might have given us aadder tale to tell, had not a bank been fortunately at hand, behind which Lieut. Johnson halted his men and having extended them in skirmishing order, kept up a steady fire on the gap, which in about ten minutes, effectively dislodged the enemy. He then proceeded to take possession of the position vacated by the pirates, and, as they were mustering in force at the head of the valley some 800 yards on, halted for reinforcements: these soon came up, but with orders to retire from Commander Suttee, who very sensibly deemed it inexpedient to follow far, in an unknown country, a force whose strength he had not been able to ascertain. The junks and snake boats were all effectively destroyed, and after having thus crippled the resources of the pirates, the boats returned to their ships, fortunately in that very desirable state, on these occasions, without a man hurt. *Tai-nia* is likely yet to be the scene of further operations; as out of the force, which is certainly not under the number we mention, and is comparatively well organised, no more than 10 or 12 can be counted as killed and wounded in this affair.

We must refer our readers to another column for the judgment recently delivered in the case of Dent & Co. *v. McPhail*. As a precedent this judgment possesses unusual interest.

The weather still continues fine and healthy, the thermometer averaging about 56°.

THE ORDINANCES AND THE CHINESE "ORGANS."

Among the Notifications to which publicity is given in Saturday's Gazette, are one or two demanding special attention and acknowledgement, as evidencing the intention of Sir Richard MacDonnell to lighten in every way consistent with the object aimed at, such provisions of the new ordinances as would be likely to bear heavily on the really respectable and honest members of the native population. We allude to certain fees connected with the Registration ordinance. The amount to be charged to each servant, for instance, is fixed at the exceedingly low sum of twenty-five cents—so small an impost that we should almost fancy that all the native loafers of the neighbourhood would attempt to register themselves, if possible, to get the semblance of a good character.

It may be well, by the bye, to draw the attention of Europeans to this notification, which can hardly be said to have been "publicly made known" by insertion in the *Government Gazette*, as that periodical is like some men's Bibles—never consulted unless they are in need of information. A second "notification" announces a fee of 25 cents for a fresh certificate upon householders removing, instead of the three dollars provided for in the second schedule of the Ordinance.

The very low rate at which these amounts have been fixed should be sufficient to demonstrate to the Chinese population that the object of imposing such fees is not that of revenue. Some singular misconceptions are existing amongst the natives on this and other points, and there does not seem to be any reliable public channel of communication between the Government and the native Governor. It would hardly be believed at home that there are but six European officials in Hongkong who understand the language of the one hundred and twenty thousand Chinese in this Colony. These gentlemen moreover, form the only reliable official means of communication between our authorities and the natives, and as three of them are still students, it may not unfairly be presumed that but three gentlemen represent the whole fully qualified interpretation power at the disposal of the Government. There are several missionaries and other residents who are fully qualified as interpreters, but who cannot be expected to possess the leisure or inclination to render gratis services of this kind; and there are a number of Chinese who have made good progress in English, but who would make a curious hash of putting a quotation from a book on international law, for instance, into Chinese. Thus far our verbal interpreters. Our facilities in the way of print are almost equally restricted. Officially, we have the Government Gazette, which may chiefly be described as a praiseworthy attempt to render into Chinese and publish official matters important to the natives. It has never received (at all events of late years) anything like proper European editorial supervision, for the simple reason that to edit it properly would require the undivided attention and time of at least one European well acquainted with the Chinese language. We have only to refer to numbers a week or two back to support our assertion, and we do not see how it is possible that with the numerous duties devolving upon them, the gentlemen who have exercised a general supervision over it could have done more than they have accomplished. Furthermore a Government Gazette for the natives requires to be something more than a dry record of official facts or translation of papers originally prepared in another language. It must of course be exclusively a government organ, but it should in many cases contain explanatory notices necessarily drawn up to prevent misapprehension on the part of its readers, who are vastly different in intellectual status from those who peruse the English edition.

The last public medium of communication with the Chinese to which we would draw attention is the Chinese version of our contemporary the *Daily Press*. As a private undertaking it cannot of course be criticized in the same manner as a government production, but it must be acknowledged that the responsibility devolving upon the editor of such a publication is enormous in the extreme. The Chinese in their recent petition respecting the new ordinance referred to certain erroneous ideas conveyed to their minds through this medium. We do not in thus drawing attention to its deficiencies attribute any responsibility to the editorial staff of the English *Daily Press*, being perfectly aware that the two papers have no connection with each other further than containing in some cases similar items of news; and that the Chinese edition is not, as popularly supposed, a translation of its English companion. But we have sometimes noticed its singular inaccuracy in dealing with public questions, which we have reason to believe arises rather from the fact of its contents appearing under Chinese supervision, than from any intentional error. As a great power for good, or evil it is surely the duty of its proprietors to ensure its being at least a transcript of all that it is essential its Chinese constituents should know, and that the intelligence should be conveyed without any leaven of political feeling. We shall aspire to the censorship of our Chinese contemporary, but investigation to which recent circumstances have led induces us to believe that the Chinese *Daily Press* is as guilty of sins of omission and commission as its foreign counterpart is, and henceforth we shall regularly "eye it over." It is only fair that we should give this caution, and we are quite sure that our meaning and intent will be perfectly understood.

THE MINT REPORT.

The unfortunate Mint is the subject of a recent article in our contemporary's columns, but it is somewhat difficult to discover what conclusion the writer has arrived at beyond an opinion that the Governor should have made every step of the matter pertaining to the commission public. We can fully understand the reasons which have induced the course His Excellency has pursued, without which it is to be hoped that this consideration will prevail, to render the community at large willing to render cheerful aid in carrying out what are undoubtedly at first sight disagreeable; though 'must needed, measure.'

As to the fears expressed respecting the delays which may occur in granting the Registration tickets, we cannot see that they have any great foundation. It is not to be supposed that householders will be so foolish as to send their entire staff of servants to the Registrar General's Office at the same moment. In a large establishment one servant might be directed to apply daily so that in ten days, for instance, the ten servants in any one long would have obtained their certificates. As to the time granted viz., one month, for effecting the registration of all the servants in the colony, it will of course be extended if it is found that a longer period is required. A similar rule respecting "time" prevails as to the payment of rates and taxes, but it cannot be asserted that the limit laid down is adhered to with such accuracy as to seriously inconvenience those who have to pay. Believing as we do, in common with almost the whole foreign community of Hongkong, that the new ordinances respecting Chinese are calculated to do an immense amount of good, we regret to see objections made to such of their details as tend to throw a little trouble or responsibility on the colonists for whose benefit these measures have been chiefly framed. Still more do we regret that such objections should be stated to the Chinese; as, unaccustomed like ourselves to recognize that mere freedom of discussion by no means implies authority or weight on the part of those who captiously object to the measures they discuss, they are apt to be influenced by what appears in type to a much greater extent than our own countrymen. We shall await the views put forth on this subject in our Chinese contemporary with some interest.

MISSIONARY SQUABBLING.
The *Foochow Advertiser* has become the battle ground of a contest not often publicly carried on, for it is seldom indeed that Roman Catholics and Protestants avail themselves of the columns of a paper to discuss their respective modes of proselytism. We cannot, however, but think as a good sign of progress, however slight, that the representatives of each section of the religious world have something to learn from their opponents. So far from such a discussion being unsuitable to the columns of a paper, as some appear to think, it is of the highest public importance in a political aspect, the history of Christianity and civilization in the East being so strangely interwoven. Hence the question possesses a vast interest for foreign residents in China, quite irrespective of any religious feeling on their part; and it is perhaps from such a point of view that the calmest and best judgment can be passed upon the merits and defects of the rival systems which are now employed to evangelize China. If we grant that the certain "salvation" of one individual is of more importance than preparing the way for the eventual Christianizing of millions, we can of course find nothing to object to in the plan pursued by members of the Protestant communion. But we cannot but think that this belief inconsistent with everything that we now conceive of the Almighty. We can of course, even in the matter of religion, only argue from the known to the unknown; and nothing has contributed more to cramp religious effort in China

THE REGISTRATION OF SERVANTS.

Most, if not all, of our readers are aware that the registration of servants under the new ordinance will, in a few days, become part of the practical law of the colony. We have however good reason to believe that a great number are ignorant of the fact that they, the masters, are responsible for the due Registration of their servants; a fine being, according to the Ordinance, imposed on all who employ unregistered servants. A good deal of nonsense has been talked about the absurdity of making the masters responsible. If those who are of this opinion will, however, just reflect for a moment how utterly ineffectual any scheme of Registration would be which depended for its fulfilment entirely on the option of the natives, they will perhaps admit that the idea of throwing some responsibility upon the masters is not after all so preposterous. Masters are liable to fine if they keep in their employ unregistered Chinese. Hence each master is compelled to ascertain that his boy, cook or coolie is the possessor of a certificate of registration, and furthermore is obliged to take charge of this certificate so long as the servant remains under his protection. Supposing the master to have been left to the discretion of the Chinese, who, except those out of employment, would trouble their heads about the matter? They would trust to their master for getting them out of any little scrape so long as they continued to bear a good character in his eyes, while if they intended to do wrong, their standing in their employers' eyes would be no bar; and of course, as hitherto, identification would be almost an impossibility.

The personal squabble between the "admirers" of Roman and Protestant missions throws but little light upon the really important question at issue: How can China best be prepared for ultimate Christianizing and Civilizing? It is useful in directing public attention to the defects in all the systems at present pursued; and we refrain from noticing the mutually disparaging remarks offered by each writer respecting the co-workers of his opponent, as they partake too much of personality or the general question. But we offer a suggestion for the consideration of missionaries at large. Why not call upon every individual to state in writing, not his opinions of the defects of other systems, but his own ideas as to the most effectual way of gaining the great end which presumably at least each missionary has at heart? A series of essays referred to a committee of men of acknowledged reputation and ability would throw some valuable light on the questions under dispute. But each writer would have to cast aside all personality, not even indicating the authorship of the remarks he forwarded. This at least would tend to more practical good than the publication of illogical letters directed against other sections of the Christian church, such as some of those we have lately perused in the columns of our *Foochow* contemporary.

We have dwelt upon this portion of the Registration Ordinance because we observe that our contemporary speaks in a depreciatory tone of the provision respecting the master's liability. It may possibly be a source of inconvenience to some who have hitherto trusted entirely to their compatriotes in matters relating to servants; but it is rather boon than otherwise to those who do not boast one of those useful gentry on their establishment. But granting it to be an universal inconvenience, it has been admitted upon all hands that an effective Registration scheme is absolutely necessary for the safety of the colonists, and the inconvenience, if such it should be, accepted in a spirit of goodwill, as a slight personal contribution in aid of the efforts of those who are endeavouring to regenerate the native status of the Colony. Reforms are generally troublesome matters to all concerned; to those who enforce as to those who have to obey them; and it is to be hoped that this consideration will prevail, to render the community at large willing to render cheerful aid in carrying out what are undoubtedly at first sight disagreeable; though 'must needed, measure.'

The soundings on the other parts of the bank are very irregular, with several patches of but 4 and 5 fathoms, and on the western and northwestern sides of the bank is a sort of curved coral wall, convex to seaward, having from 4 to 9 fathoms on it, 14 to 19 fathoms inside of it, and 20 to 30 fathoms close to, outside of it. The rocks being situated from 2 to 3 miles inside the edge of the bank, the lead, if carefully attended to, will give warning in sufficient time to avoid them. But large vessels should on no account make free with this dangerous bank; and small vessels will do well to give it a wide berth, for the currents in the vicinity are very uncertain.

The 23-fathom patch is near the north-eastern extreme of the shoal, in lat. 5° 49' 20" N. long. 115° 6' 20" E. It is a small coral knoll, surrounded to some little distance by soundings of 4 and 5 fathoms. This part of the bank should also be avoided by vessels.

Samarang Bank, its centre in lat. 5° 53' N., long. 114° 53' E., is an oval shaped coral bank 0½ miles long and 4½ miles wide, its length being in an E. to N. and opposite direction: the general depths upon it are from 4 to 6 fathoms, and the least water found was 3½ fathoms. From the centre of the bank the highest part of the bank is a sort of curved coral wall, convex to seaward, having from 4 to 9 fathoms on it, 14 to 19 fathoms inside of it, and 20 to 30 fathoms close to, outside of it. The rocks being situated from 2 to 3 miles inside the edge of the bank, the lead, if carefully attended to, will give warning in sufficient time to avoid them. But large vessels should on no account make free with this dangerous bank; and small vessels will do well to give it a wide berth, for the currents in the vicinity are very uncertain.

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The Fury Bank—H. M. S. *Fury*, in 1853, passed over two coral banks on her passage to and from the island of Moaro, on the north-west coast of Borneo. One of them seems to have been the western part of the Vernon shoal—as mentioned in the description of that danger given above; of the other, the following account has been published:

"The second bank, in lat. 5° 56' N., long. 114° 50' E., was also about the same length (4 or 5 miles) east and west, and, as far could be judged from the discoloured water, 3 miles in breadth. No breakers were seen. The bank appears to be steep to, and was first struck on one side with a depth of 11 fathoms, and on the other with 7 fathoms. The vessel was when steered West, 1½ miles, when the sounding shoaled, then North, when they shoaled to 4 fathoms, and then suddenly deepened to no bottom with the hand-line. The soundings on this bank were very regular."

Some mistake may however, have been made in reporting or publishing the position of this shoal, for after a most careful search, the *Riflemen* being employed 5 days steaming over and round about the locality, it could not be found, and it is certain that no such shoal exists there. The description given of it would apply exactly to the Samarang bank, and it is very possible that the error may consist in the figure 3 in giving the latitude, which instead of being 5° 56' N., as it now stands, should be 5° 36' N., the latitude of the Samarang bank.

Cava Shoal, a doubtful patch of 3 fathoms, in lat. 5° 51' N.; long. 115° 30' E.—brought on the Admiralty charts from the old charts of Horsburgh, was searched for in vain; on the spot bottom (mud) was obtained with 4½ fathoms of line.

Eupates Reef; Kirton Shoal.—These very doubtful dangers—also from the old charts of Horsburgh—but of which we possess no account—are placed between Borneo point and the South Luconia shoals, right in the fairway of vessels proceeding to and from the Palawan by the inner route along the coast of Borneo. The *Riflemen* was steaming for 3 days over and about their reputed positions, the weather and other circumstances being extremely favorable for seeing shoal patches, but nothing of the sort was seen, nor could bottom be obtained on the position ascribed to the Eupates reef with 600 fathoms of line.

The *Riflemen* had 3 years before, passed over the spots without any sign of danger being discovered; and H. M. Gun-boat *Forrester* was cruising in the vicinity for 3 days with the same result. I shall therefore recommend that the charts be cleared of these dangers.

ers have no existence, it is the shortest, safest, and route to the entrance of the sea made available for seafarers proceeding to China.

3, in the Hydrographic

o, observes that "by the much difficulty and delay in making Low Island between the Royal Charlotte shoals," and it seems well, and deserving the safety of navigators, that even was in press, news reaches our *Catherine Apear* on to China, struck on this shoal, and was obliged 24 hours and threw overboard Cotton before she could

phic Notice below has published in this season. The first part of the survey of the *shoals*, and the clear-cut, the doubtful dangers in sol. This was very useful. Dangers were reported to lack of vessels proceeding sea inside the Paracels—route in both monsoons referred to the survey of shoals—upon which several to have been wrecked.

Steamers leaving Singapore should pass to the southward of Victory Islands, then steer to sight the small island of St. Pierre (carefully observing and allowing for the set of the current) and afterwards for the Apia Passage, keeping over towards Palo Marundum rather than Apia point. Having passed Marundum and Taujung Datu the course is clear right up to the entrance of the Palawan Channel, passing between the South Luconia shoals and Taujung Barran and keeping as close to the Borneo Coast until abreast of that point as circumstances may make convenient.

This route by the Apia Passage could not be generally adopted so long as it remained doubtful if the Euphrates, Kirton and Cava shoals existed or not, for they were reported to lie right in the fairway. Since, however, it is proved that those dangers do not exist, all difficulty as to the general adoption of the route has disappeared.

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J. W. REED,
Master in Command, and in charge of
China Sea Survey.
Singapore, 19th November, 1866.

THE HARBOUR MASTER'S DEPARTMENT AND THE NEW ORDINANCES.

WE are not aware of the actual extent to which it is proposed to increase the number of officers comprising the staff of the harbour master, but judging from past experience it will be necessary to effect some great change to enable that hard-worked department to fulfil the many demands upon its resources which will arise under the new ordinances. Another European officer at least is required to enable it to property fulfil the duties of boarding and berthing foreign vessels, but no very special qualification is required for the post beyond the ordinary nautical knowledge and intelligence which is generally possessed by those holding such appointments. With the registration of native junks however, and the numberless duties thereto-imposed upon the newly appointed Assistant Harbour Master, an amount of work will devolve upon the department which one officer, however zealous, cannot possibly be expected to carry out. We assume, and we think truly, that any assistance he may receive from boarding officers unacquainted with Chinese will be of small value. An independent subordinate staff of Chinese speaking European officers is necessary to enable him to even partially fulfil the duties of his post. Whether or not such people can be obtained in Hongkong is another question, but, without some such assistance, it is very certain that the Government will suffer from its directions being but imperfectly complied with.

The *Press* in commenting upon this subject writes somewhat facetiously respecting a paragraph in the instructions issued by the Harbour Master, and that "patient explanation of the new law, and indulgent allowance for all misions and mistakes committed at the outset, will be better calculated to obtain exact o'idence hereafter than a more peremptory and abrupt policy." The *Press* commences its comment by saying that "one very sensible clause is added to the instructions impressing all officers of the department with the necessity of carrying out the ordinance in as gentle a manner as possible," and winds up by the non sequitur conclusion that "this is all very well, the worst of it being that a really punctual enforcement of the ordinance is quite inconsistent with the gentle and forbearing spirit indicated, and that it is a bad thing to make laws on the understanding that they are to be broken." How on earth the carrying out of a law in a spirit of the utmost forbearance compatible with its due execution is "making a law on the understanding that it is to be broken," we and the public generally, are at a loss to conceive. Laws may be well enforced and well obeyed, although those through ignorance may be first warned before being punished. For our own part we think the instructions thus issued are decidedly good and to the point, and the description given in the document quoted by our contemporary of the qualifications requisite in any official nominated to aid in carrying out the new regulations is more than satisfactory. He must possess "a considerable amount of tact and discrimination combined with much patient and judicious forbearance." It is highly probable that these qualifications will hardly be found to exist in all the employees of the Harbour Master's office, but as very similar ones are required, and generally found in members of the London police force, we may hope that Hongkong will produce a few individuals well fitted for the posts in question.

Seeing how the comfort and safety of the Colonists are involved in the measures lately proposed being efficiently carried out, we cannot but feel considerable astonishment at finding an organ which addresses itself *par excellence* to the Chinese intellect confining itself to sneering at the steps taken to meet the exigencies of the case after having itself expressed its approval and sense of the necessity of the new ordinances. Did it favor us with any practical suggestions as to a better

arrangement, or did it shew up a weak point in the proposed measures, it would doubtless confer a benefit upon its readers; but its assertion that the authorities are guilty of recommending a "practical disregard" of the law by their urging for bearing, tact, and discretion upon their subordinates, is both illogical and injudicious—especially so as its statements are apt to be accepted by Chinese readers as the views of a section of the foreign residents in Hongkong. Our contemporary winds up with a delicious piece of criticism on the paragraph in the instructions which says:—"No officer will be permitted to say that any order given him does not come within the sphere of his duties."

This order is, according to the *Press*, "the funniest part of the set of instructions," and is moreover "a sort of injunction to [the subordinate] devote himself body and soul to the department and prostrate himself": blind adoration of the source whence the orders are derived. We may canonize our colonels and naval captains at once if this be the rule, but until we ascertain it to be so must persist in regarding our contemporary's remarks on this subject as a melancholy instance of "how blunder in print" can be successfully accomplished.

THE LAW OF SALVAGE.

DENT & OTHERS v. MCPHAIL.

The following is the full judgment delivered by His Honor the Chief Justice in Dent and others versus McPhail:

This special case was fully and ably argued before me on the 31st of October last.

The facts are so set forth in the case as to render it unnecessary for me to do more than refer to its statements.

On the hearing of the argument, I suggested that I felt myself unable to consider the question otherwise than as one of legal right at Common Law, but on the request of both parties, I consented to give my opinions on every possible aspect of the Defendant's title to the tea in question, or to salvage as well in Admiralty or in Equity as at Common Law. The case was argued on this understanding. No moral blame was sought to be attached to any of the parties, and it was admitted that whatever the legal title of the Defendant might be his conduct was meritorious, but the Plaintiffs denied the Defendant's legal title on principle and as a rule to govern future cases. The principles which guide the Court in coming to a conclusion on the facts stated are conclusively in favour of the Plaintiffs. The Pescadores Islands, on one of which the *T. E. Boyd* was wrecked, are admitted to be within the empire of China, but the case is silent as to what is the law of China, in matters the subject of question before me. I am bound, therefore, the Plaintiff claiming as owners being Englishmen residents in this Colony, to assume that the English law, or at least law identical with English law, governs this case, according to the rule laid down in Westlake's *Private International law* \$413, as deduced from the cases there cited, to which Mr Pollard referred. I am bound therefore to and I do apply English law to the case. The tea were taken from the wreck in a manner and under circumstances explained by the subsequent sale, which would probably have subjected the natives to a criminal charge in an English Court of Justice; for their ignorance of the law would not excuse, although it would very greatly mitigate, the moral character of the crime. No title could be acquired to a thing stolen and no title could pass by sale with special exceptions not arising in this case. But let it be assumed that these natives were bona fide salvors in taking the tea out of the wreck, and that then and there they were entitled to salvage. Salvage, according to the strict legal view, is the remuneration or reward awarded by the Court of Admiralty to the persons by whose aid maritime property has been saved. The salvo has only a qualified lien on the property saved. He may give the property up to the true owner if he is satisfied, but he is bound (if not satisfied) to bring the property either in person or by an agent acting for him for that purpose into the nearest Court exercising Jurisdiction in Admiralty, for the benefit of the true owners, and upon this condition only is he entitled to such amount of salvage as the Court thinks it just to give him, having regard to the value, and to his conduct, being in a greater or less degree meritorious. If the salvo does not that which under the circumstances is equivalent to this, especially if he sell the property, the salvo's lien is gone, and in an action to recover the property the true owner would, as in this case, be entitled to recover the property or its value against any purchaser with notice. Indeed the Merchant Shipping Act 1854 § 450 expressly declares a forfeiture of salvage to persons not giving up possession of property saved, or not giving notice to the receiver of wrecks for the district. Independently of that act, the cases are numerous which shew an absolute loss of all remedy to recover salvage by various acts of misconduct, and by conduct inconsistent with the preservation of the property for the benefit of the true owner. The salvo must make out a case *ex aequo et bono* as the condition of the Court awarding salvage at all to him. Maritime lien for the salvage is the weakest kind of lien." In the case of Donald v. Suckling I Law Reports Q. B. 618, Chief Justice Cockburn says of all lien, "We are not dealing with a case of lien which is merely the right to retain possession of the chattel, and which right is immediately lost on the possession being parted with unless to a person who may be considered as the agent for the purpose of its custody." I presume the very learned Judge's language means—and for that purpose only. The facts of this case shew that the tea were parted with for no such limited purpose. I am of opinion that the out and out sale of these teas to the Defendant worked an absolute forfeiture of all titles or lien to or for salvage, even if there had originally been any such title or lien in the natives.

Again, the Defendant bought with notice of the facts, and therefore he could acquire no lien which the natives had not. Moreover his own act in claiming the tea, as his own (which is not *ex aequo et bono* and is inconsistent with the limited custody referred to by the Chief Justice in the above extract) in itself disentitles him to set up a lien as an alternative claim. The Defendant had no claim to the tea or to the salvage on them. The learned Attorney General, in addition to claiming a right of lien for Defendant, claimed the tea on an entirely adverse title. He contended that the

vessel and cargo, it became the property of the first occupants, namely the natives, and that during the period that this right of occupancy existed, namely, till the true owners claimed the property, availed by the defendant passed the property absolutely to the defendant. I am of opinion that no such presumption of abandonment arises here. In fact the passage in 2 Blackstone, p. 492 expressly excludes cases of wrecks, and the abandonment if it can be so called, was not voluntary but occasioned and necessitated by *vis major*, upon which no presumption of abandonment, which implies a voluntary act, can arise.

I have not formally reviewed the very able arguments on both sides in this case, to do

so would have lengthened this judgment, already too long.

The conclusions to which

on the facts of the case I have arrived are as follows: First.—No property in the tea is the subject of this action passed to the first purchasers, the Chinese residents in Makung, on the sale to them by the natives of the Pescadores Islands, improperly called salvors in the case. Second.—It is admitted that the defendant purchased these teas from the residents in Makung with knowledge of the facts of the case, no property in them passed to the defendant. Third.—The property in the tea was never divested from, but has been ever since and now is in, the plaintiffs. Judgement must therefore be entered for the plaintiffs for the agreed value of the tea \$13,000. Lastly I am of opinion that according to English Law, the natives acting as they did were not salvors, but that they were stealing from a wreck; and the court presuming in the absence of proof to the contrary that the law of the Chinese Empire are similar in this case to those of England, must hold these natives to be guilty of a crime and no title to salvage ever accrued. The subsequent conduct of the natives in selling and retaining all the produce of sale by reflecting back an explanation of their original acts, entirely disentitled them to salvage, even if they had been originally entitled to it. Salvage is a title personal reward by the salvors themselves, and their title, if any, originally failed, and the defendant even if he had purchased in ignorance of the facts (the case states his knowledge of them) cannot be entitled to the tea or any claim for salvage. My decision must be the same whether at law or in equity or in admiralty. I am relieved by the case from all considerations as to costs. The suggestion of the learned Attorney General that we cannot expect salvages at Formosa to comply with the conditions of our law of salvage received my entire assent at the hearing. I was then induced to admit that the present was one of a class of cases to which it is possible, consistently with the principles of law, the court would strain their application; but I am bound reluctantly to come to the conclusion that to recognise a legal claim even in these natives themselves to salvage, still more to recognise it in the defendant, would be to act entirely beyond the principles of law and the limits of all just decision on this subject. Principles have been most advantageously moulded to meet new circumstances, but no judge has power to ignore old legal principles even when apparently breached.

Hoi-hau, the sea port of King-chau-fu, is

by no means an unimportant town; in size

it may be compared to Swatow, but its

streets are wide and well paved, and there

are quite a large number of good shops,

some of them containing among their wares,

but in limited quantities, long cloths and

minor articles of foreign manufacture such

as may be seen in the miscellaneous shops

of Hongkong and Macao. The current

silver money is the Tang-tan or Swatow

dollar, but Mexicans can be exchanged at

a discount of about four per cent, and broken

silver with difficulty at not less than ten

per cent. Note but "good cash" are used,

and these are exchanged at the rate of 1200

per tael; they are the only coin used by

the general population, in their daily transac-

tions. Provisions are cheap; fowls just

half the price they are in Hongkong; ex-

cellent young beef is sold in the market at

six cents a lb.; fish is plentiful, and rice is

about the same price as at Canton. The

price of common market provisions here, in

Shing-tung and Tin-pak, will be found at the

end of this letter in tabular form. The country

is said to have a deficiency of rice, which is

imported from the neighbouring districts of

Yunnan and Kweichow, and the rice is

expensive, though the price is not quite

double that of Hongkong. The price of

rice is about 1200 per tael, and the price of

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it is situated some twelve miles inland, and has all the appearances of an extinct volcano. From this hill, it is said, is obtained some of the trap tuff which is used for building purposes. The Chinese say there are high hills in the centre and southern parts of the island, and speak of a famous one known as the Five finger hill; a visit to which we leave for the future explorers.

The island of Hainan forms a department division of the Province of Kwangtung, and its capital city, King-chuan-fu, situated in the Northern part of the island, is named in the Treaties as a port to be opened for foreign trade. On the shore large tracts of sand flats are left dry at low water, and as an anchorage the place may be compared in some respects to the Macao roads; vessels

very well as connected with an opium firm, and also that the prisoner disappeared suddenly about the time of the robbery. Mr. Jarman asked for another remand and the prisoner's attorney not objecting, the Magistrate adjourned the further hearing of the case until Wednesday at two o'clock.

We find the following in the *Press* of Saturday morning, Dec. 16.—

THE ADDRESS TO CAPTAIN ST. JOHN,
Stokefield, Thornebury, near Bristol,

21st October, 1866.

Sir,—Having received a kind and handsome address from the residents of Hongkong, I trust you will have the goodness to insert the enclosed few lines in your valuable and well-known journal, being the only means I have of returning my sincere thanks generally, to my kind friends and acquaintances in Hongkong; in fact to all those who have done me the honor of signing the address.—I am, Sir, your obedient servant,

H. C. St. JOHN, Commander R.N.

TO THE GENTLEMEN RESIDENTS OF HONGKONG.

Stokefield, Thornebury, near Bristol,
21st October, 1866.

GENTLEMEN.—I have no means, but through the public journal, of testifying to you as a body, my sincere thanks and gratitude for your most handsome and flattering address. The same was yesterday sent to me by the Lords Commissioners of the Admiralty, with a letter stating the great satisfaction and pleasure they felt, in forwarding such a mark of your general esteem. Many of the signatures are those of personal friends of my own, from whom, during my two years' service in the Colony, I received the greatest kindness; to these and all others, I beg to offer my sincere thanks for the honor done to me. Hoping my little craft, the *Opossum*, may always continue to be lucky, that piracy may be swept from the Chinese Seas, and commerce flourish in the Celestial Empire.—I remain, Gentlemen. Yours gratefully obliged,

H. C. St. JOHN, Commander R.N.

COMMENTING on the *Riflemen*'s surveys of the China Sea the *Shrubs Times* reviews the general result of the work of last season as follows:—A careful examination of the latest corrected charts issued by the Admiralty will show, whereas five years ago the main outer of the China Sea was so encumbered with doubtful dangers, and with real ones, the extent and exact positions of which were unknown, that no navigator could proceed up or down it without experiencing great anxiety,—now, by the surveys, this great highway of shipping requires nothing more than ordinary care for its safe navigation. Foremost amongst the doubtful dangers was the *Christopher Rawson* shoal, which was a terrible bugbear to all seamen wishing to make Pulo Sapatu; it has now disappeared from the charts. Next came the “*Alexander, lost*,” which has sadly worried many an anxious navigator, on dark nights with a strong monsoon blowing. The *Alexander*, *Forth*, and *Columbia*—all supposed to lie in the fairway, are known to have been brought on the charts from very insufficient data, and although they still appear there, it is in so shadowy a form, that they have ceased to cause any anxiety: the *Riflemen* could obtain no bottom on any of their positions with several hundred fathoms of line. The *Vanguard*, *Prince of Wales* and other banks at the southwest part of the China sea, which were represented by a doubtful sounding here and there, have now assumed defined shapes and exhibit abundant soundings. From thence to the *North Danger* the whole line of banks and shoals limiting the main route to the eastward, are accurately delineated, with the exception of the small portion comprised between the *Flory Cross reef* and *North Danger*, and which is to be completed, we understand, early next season. Pulo Sapatu and the other islands and rocks of the Cetwick group, on the washing side of the channel, are now exactly represented on the charts, while Pulo Condore and the coast of China China has been corrected from the results of the French surveys, made under the direction of the Commissaire-in-Chief at Saigon. There are also numerous corrections on the Fattwan side too numerous to refer to here, but all tending to the great purpose which it is the special object of the *Riflemen* to accomplish, namely, the clearing of the important thoroughfares of the enormous commerce ever traversing these dangerous seas.”

We have heard with much regret of the loss which the Wesleyan Mission and the cause of education in Jaffna has sustained by the death of the Rev. J. Mitchell. Only a couple of years ago he landed at Colombo full of health and vigour and giving special promise of a long career of usefulness. But dysentery, that most insidious and fatal of the diseases of our climate, fastened on him and sapped his constitution, rendering him liable to an attack of cholera, under which we believe, he ultimately sank. This is the second Missionary taken from the Tamil branch of the Wesleyan Mission in Ceylon this year. Mr. Walton having died some months ago. Jaffna is left without a European agent of the Mission at present, the Rev. Luke Scott being at Galle. He will return to Jaffna immediately; and Mr. Kilner, the senior Missionary, is expected to return to Ceylon at an early date. Mr. Rigg of Batticaloa is the only Wesleyan Missionary at this moment in the Tamil districts. Mr. Stott having left recently for work amongst the coolies of Natal. All the Protestant Missions in Ceylon have suffered severely this year. The Church Mission lost by death, of Mr. Parsons and Mrs. Pickford; the Baptist mission, Mr. Allen; and the Wesleyan, Messrs. Walton and Mitchell.—Colombia Observer.

HONGKONG RIFLE ASSOCIATION.

The Consolation Cup offered by the association for competitors who were unable to present at the last match, was shot on Saturday afternoon Dec. 15, at the Kowloon range, 600 yards, five rounds each, any description of rifle. The prize was won by Mr. Whiteford. The following is the score:

| Name. | Total points. |
|-------------------------|---------------|
| Navy a. g. B. Whiteford | 3 2 3 0 11 |
| S. Enfield W. Hensman | 0 4 3 3 10 |
| Whitworth E. J. Woodin | 2 2 2 2 10 |
| S. Beford W. Urigurah | 0 2 2 2 8 |
| “ H. Tripp | 0 0 3 2 5 |
| “ J. Meaden | 0 0 2 2 4 |
| “ G. King | 0 0 2 0 2 |
| “ A. Lind | 0 0 0 0 0 |

(From Saturday's *Gazette*.)

With reference to Section XXXV of Ordnance No. 7 of 1866, it is hereby notified that His Excellency The Governor-in-Council has resolved that where a Householder has once taken out a Certificate of Regis-

tration, he be allowed, in the event of removal, to take out a fresh Certificate at the reduced Fee of Twenty-five Cents, instead of Three Dollars as provided in the Second Schedule of the said Ordinance.

His Excellency The Governor having notified his intention of issuing a Proclamation on the 1st January, 1867, calling into operation, “The Victoria Registration Ordinance, 1866,” the attention of the Foreign Community is called to that part of the Ordinance which refers to the compulsory registration of servants. In order to assist the work of registration, and that some guarantee may be held by the applicants for Certificates, it is required that each servant be furnished with the name and address of his employer. The fee is twenty-five Cents for each Certificate which will hold good until such time as it may be cancelled, owing to the misconduct of the Possessor. CECIL C. SMITH, Registrar-General. Registrar-General's Office, 14th December, 1866.

HER MAJESTY'S Gunboat *Banterer* proceeded this afternoon to Aberdeen and back on a trial trip. She left her moorings at ten minutes before 2 p.m. and arrived at Aberdeen at three o'clock. Here the inspector of machinery, Mr. Oliver, came on board, and returned in the *Banterer* to Hongkong; he expressed himself much pleased at the speed which she averaged, namely, 7 knots. The *Banterer* accomplished the return journey in exactly fifty minutes. She has lately undergone a thorough overhaul and repair, and is now reported fit for active service.

THE Shanghai *Recorder* supplies the following brief description of the scene of the late operations by the French on the Seouls:

The portion of the river in which the operations were conducted runs almost

from south to north through a mountainous country to the distance of about twenty miles from the Isle Boisé; the spot where the fleet first anchored, and then it divides into two branches that to the left or westward winds round and encircles the Kanghoa Island, which is bounded on the south by a creek flowing into the main river about six or seven miles north of the Isle Boisé; that to the right goes off some ten miles in an easterly direction, and then turns suddenly to the south slightly by west, in which direction it runs for about 12 or 15 miles, when it again takes an easterly direction, passing the city of Séoul, which is situated some five miles to the north and about twenty miles to the east of the Isle Boisé. Near the north east corner of the Kanghoa Isle, about five miles distant from the creek bounding it on the north and four miles from the main river which bounds it on the east, lies the city of Kanghoa; which is distant in a direct line from Séoul about thirty miles. About three miles from the southern boundary of the island and the same distance from the main river is situated a strongly fortified pagoda, alluded to in the narrative. On the left bank and immediately opposite the city of Kanghoa is the spot where the portion of the French troops landed with the object of reconnoitring the land route to Séoul, a distance in a direct line of, say, 20 to 25 miles. From the above description it will be seen that the river as it branches off to the right a little past Kanghoa bounds an almost rectangular peninsula, the course which, after flowing eastward, again takes to the south being almost parallel with that from the Isle Boisé towards Kanghoa, until it goes off again to the eastward about five miles, north of the Isle Boisé, past the city Séoul, which is situated five miles from the spot where the river makes the last named turn, and two and a half miles from the bank. Thus the distance from the Isle Boisé to Séoul was much shorter than had been imagined, but at the time the French were not aware of the extent to which the river curved round or would not have kept on their route past the forts.”

A CORRESPONDENT of the *Daily Press* of this morning writing from Canton, Dec. 14, says:—“In the course of your remarks, aament the Coreans, which appeared in your impression of the 13th, you seem to entertain a desire to know from whence they obtain the enormous quantity of gunpowder which they appear to possess.” I therefore beg to acquaint you with the following details, for which I can vouch and in which you will perhaps find a key to your answer: It is on record that the Chinese authorities of this place have been providing themselves lately through the kind offices of some of their French friends, with about 50,000 cases of gunpowder, 3 millions of caps, and a large quantity of cannon of various calibre imported from Macao. For what purpose can this enormous amount of ammunition, &c., be intended? Does our newly appointed Foo-tai anticipate trouble consequent on the enforcement of the stringent measures which H. E. has lately enacted for the suppression of gambling houses and brothels? Or does he intend to make a descent on Macao, or to fight the Hakkas, or to blow up the foreign community of Canton? Or is it uncharitable to conclude that the Coreans can calculate upon the friendship and indirect co-operation of their neighbours in resisting the ‘barbarian’? The French Admiral might therefore be aware what he is about. Ten per cent commission is a sufficient inducement to his countrymen and others to supply the Coreans with material wherewith to give him another reception of a nature which he might not have dreamt of.”

THE rumours which were current as to the suspicious of foul play in the case of Captain Fulton of the *Burnham*, who was drowned at Foochow by falling overboard, on the evening of November 30th, appear to be without foundation. The circumstances were briefly as follows. Shortly before 8 o'clock he went on board, sober, took one glass of grog, conversed with the mate, and lay down on the poop. About an hour afterwards the steward, whose cabin is on the starboard side, heard the ladder banged against the ship's side, followed by two cries. He ran on deck, looked overboard, but could see nothing. The watchman states that he had just left the poop when he heard the cries, which were also heard on board other ships. The mutinous state of the ship's crew and other circumstances gave rise to the suspicion which were entertained. We believe that an official investigation was held subsequently and as this does not appear to have led to any further action, it may reasonably be concluded that the evidence produced was sufficient to prove the accidental nature of this unhappy occurrence.—*Foochow Advertiser*.

HONGKONG RIFLE ASSOCIATION.

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0 0 0 0 0

IT is not impossible that concurrently with the discouragement of piracy in this neighbourhood, it may receive local development at other ports. The Watch Committee of the Shanghai Municipal Council urge the formation of a water police. They report that—The necessity that exists for a force of this description has attracted the attention of successive Councils for years; the robberies from cargo boats are of a most serious nature, such a complete understanding exists between boatmen, coolies, thieves and receivers, that it is almost impossible for the police on shore to detect these law-breakers; they are committed on the river, and the property mostly disposed of outside the police district. The *Daily News* remarks: “The casual detection of Messrs Dent & Co.'s jetties, of boats containing a small armful of knives, guns, ammunition and stink pots, shows how easily refuge may be found among the boats which throng the river, by men to whom creek piracy is a profession. The vigilance of our police force has reduced, rowdiness on shore to a minimum; but the banks of the Waipoo place a limit to their researches.” The occasional reports of creek piracy which reach us, prove that the “unemployed foreigners” who find their occupations as burglars gone, on shore, still pursue their accustomed avocation on the inland waters, where they are tolerably safe from detection. Occasionally, a man disappears under suspicious circumstances, and others turn up with evident marks of ill usage; but any excuse rather than a piratical affray is of course put forward in explanation. During their stay in Shanghai, these men live partially in their boats, and a police whose special duty it should be to watch the movements of such suspicious craft, would probably make frequent discoveries similar to the one recorded.”

THE following paragraph is from the *Times of India*. It relates to a subject upon which we have already received some information, but the subjoined fuller particulars will be found highly interesting:—A letter from Capt. Richard Sprye to the Secretary of State for India, concerning British commerce with the West of China, has just been published by order of the House of Commons. It appears that Capt. Sprye proposes to establish commercial relations between Rangoon and the Shan States, and other parts of the West of China, and to extend the Indo-European Telegraph by land from Pegu to Hongkong and the Chinese Open Ports, such as Peking, Bangkok, &c. This subject has engaged the attention of some of the far-seeing commercial men at home for some years past; and during 1860 several memoranda were presented to Her Majesty's Government praying it to direct its attention to the opening of this trade, and suggesting that it “should be opened by a land route direct from the port of Rangoon across Eastern Pegu to the Upper Kambro or Meikong River in the direction of the Chinese South West Frontier City of Emak or Sy-mau.” These memoranda came from the Chambers of Commerce of Manchester, Huddersfield, Leeds, Bradford, Halifax, and Liverpool, and from the Proprietors of Cheshire and Worcestershire; and apparently in compliance with their requests, the Secretary of State for India, in the month of June 1861, directed the notice of the Government of India to the proprietors of the Telegraph by land from Pegu to Hongkong, and the Chinese Open Ports, such as Peking, Bangkok, &c. 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